

RICKY E. BEENBLOSSOM,)	CASE NO.
Plaintiff,)	
)	
v.)	COMPLAINT
)	
CITY OF LINCOLN, NEBRASKA;)	
CITY OF OMAHA, NEBRASKA;)	
Unknown police officers of the)	
Lincoln Police Department,)	
Individually and in their official)	
Capacity; Unknown police officers)	
of the Omaha Police Department,)	
Individually and in their official)	
Capacity,)	
Defendants.)	

COMPLAINT

1. This is a 42 U.S.C. § 1983 action for violation of Plaintiff's Fourth Amendment rights.
2. Plaintiff seeks compensatory and punitive damages under 42 U.S.C. § 1983, and reasonable attorney's fees under 42 U.S.C. § 1988.

JURISDICTION AND VENUE

3. Subject matter jurisdiction over 42 U.S.C. § 1983 is properly in the United States District Court pursuant to 28 U.S.C. § 1331 sine the complaint alleges constitutional and federal statutory violations against the Defendants.
4. The venue is appropriate in the District of Nebraska where the violations took place pursuant to 28 U.S.C. § 1391 (b)(2).

5. The unknown officers of the Lincoln Police Department and unknown officers of the Omaha Police Department are citizens of Nebraska, acting in their official capacities at all times material, are persons within the meaning of 28 U.S.C. § 1983.
6. Defendants City of Lincoln, Nebraska and City of Omaha, Nebraska, are persons within the meaning of 28 U.S.C. § 1983.
7. The Plaintiff, Ricky E. Been blossom is a citizen of the United States.

COUNT 1

**UNKNOWN OFFICERS OF THE LINCOLN POLICE
DEPARTMENT & UNKNOWN OFFICERS OF THE OMAHA
POLICE DEPARTMENT § 1983 VIOLATION FOR ILLEGAL
SEIZURE OF THE PLAINTIFF'S PERSON**

COMES NOW the Plaintiff, by and through undersigned Counsel, and for his cause of action against the Defendants, sets forth as follows:

8. On or about the 23rd day of July, 2008, Plaintiff was at his residence in Lancaster County, State of Nebraska, when he was approached by members of the Omaha Police Department. The Omaha police officers were working on a joint drug operation with the Lincoln Police Department and were at all times material acting under the direction, supervision, and control of the Lincoln Police Department and Defendant City of Lincoln, Nebraska.
9. When the Omaha police officers approached Plaintiff at his residence they mistakenly believed he was involved in the unlawful activity which was

him, in violation of his civil rights to be free from unlawful search and

seizure, as secured by the United States and Nebraska Constitutions.

10. Defendants unknown police officers of the Lincoln Police Department and unknown officers of the Omaha Police Department illegally seized Plaintiff's person without probable cause or other legal justification in violation of the Fourth Amendment to the United States Constitution.
11. Defendants unknown police officers of the Lincoln Police Department and unknown officers of the Omaha Police Department were acting under color of state law when they, without probable cause or other legal justification exercised their authority as police officers to seize Plaintiff's person while he was lawfully on his own premises.
12. A reasonable police officer in the same position as Defendants unknown police officers of the Lincoln Police Department and unknown officers of the Omaha Police Department would not have seized Plaintiff's person because Plaintiff was enjoying his own premises and was not violating any law.
13. At all times material no reports involving criminal activity had been made to Defendants unknown police officers of the Lincoln Police Department or unknown officers of the Omaha Police Department regarding Plaintiff or his premises.
14. At all times material Plaintiff was not free to leave by Defendants' unknown police officers of the Lincoln Police Department and unknown

therefore seized within the meaning of the Fourth Amendment.

COUNT 2

THE CITY OF LINCOLN, NEBRASKA & THE CITY OF OMAHA NEBRASKA'S § 1983 VIOLATION FOR ILLEGAL SEIZURE OF THE PLAINTIFF'S PERSON


15. The City of Lincoln, Nebraska, and The City of Omaha, Nebraska caused Mr. Beenblossom to be subjected to the Fourth Amendment violations because unknown police officers of the Lincoln Police Department and unknown officers of the Omaha Police Department were part of the customary practices of the City of Lincoln, Nebraska Police Department and the City of Omaha, Nebraska Police Department.
16. Mr. Beenblossom was stopped without legal cause by the Lincoln Police and the Omaha Police. Such Fourth Amendment violations amount to the Lincoln Police Department's deliberate indifference and the Omaha Police Department's deliberate indifference to an obvious need for training of its officers, including those listed as Defendants herein. This failure to adequately train resulted in because unknown police officers' of the Lincoln Police Department and unknown officers' of the Omaha Police Department actions which caused Mr. Beenblossom harm.

WHEREFORE, Plaintiff prays for judgment against Defendant City of Lincoln, Defendant City of Omaha, Defendant Defendants unknown

damages exceeding \$75,000.00, for an award of reasonable attorney's
fees, for the costs of this action, for interest both pre-judgment and post-
judgment as may be allowed by law, and for such other relief as to the
Court may seem just and equitable in the premises.

RICKY E. BEENBLOSSOM, PLAINTIFF,

By:


Brett McArthur #20204
140 S. 27th St., Suite D
Lincoln, NE 68510
(402) 421-8333
Attorney for Plaintiff